



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,501	03/26/2004	Kazuhiro Oki	8012-1240	7886
465 7590 02/22/2010 YOUNG & THOMPSON 209 Madison Street Suite 500 Alexandria, VA 22314			EXAMINER PADGETT, MARIANNE L	
			ART UNIT 1792	PAPER NUMBER
			NOTIFICATION DATE 02/22/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

Office Action Summary

Application No.

10/809,501

Applicant(s)

OKI ET AL.

Examiner

MARIANNE L. PADGETT

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 48, 49 and 52-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 48, 49, 52-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. Applicants' amendment of 12/1/2009 have broadened the scope of independent **claim 48** (i.e. requiring reapplication of previously applied art) & rearranged the semantics (i.e. changed "mechanism" to "member", both generic catch all terms indicating no particular shape or configuration), while also removing previously rejected ambiguity in claim 48's language & making the preamble commensurate in scope with the body the claim. The amendment has also added new independent **claim 56** that is the same as rewritten claim 48, except also includes a separation distance between the coating surfaces and a surface of a condensing member having no particular shape in an apparatus with no particular dimensions, such that this specifically recited range of distances has no context to provide it with any meaningful configuration in the apparatus structure claim to be used in the process.

Applicants' independent claims as presently written require a solvent (e.g. any liquid) condensing & recovery device, where some portion of this device is arranged so that it faces a surface of a coating layer on a moving web, where the device has no particular shape or configuration beyond this "to face" requirement in independent claim 48. In new claim 56, some unspecified surface of the "condensing member" is anywhere in the range of 5-10 mm (either variable or single value or some combination thereof) distance from some surface of the coating layer.

The previously claimed/rejected temperature limitation that has been deleted from independent claim 48, has been rewritten as dependent claim 53.

Cancellation of claims 50-51 removes 112 problems associated therewith.

2. **Claims 48 & 52-58** are **objected** to because of the following informalities: in independent **claims 48 & 56**, the preamble recites "recovering a **solvent** from... a coating solution containing **solvent**..." (emphasis added), where applicants have essentially introduced "solvent" twice, such that these potentially two different solvents need not necessarily be the same, although since they also are not necessarily differentiated & are both related to the same coating layer/procedure, can be the same. Given these subsequent references to "said solvent", can refer to either or both introduced

Art Unit: 1792

"solvent", while this could be considered cause some confusion as to what solvent is being condensed & recovered, since all introduced solvents are completely generic, the lack of clear antecedents is not considered to cause any significant lack of clarity to the claimed process as presently written. However, if the second usage of "solvent" is intended to refer to the initially introduced "a solvent" that is being recovered, use of an article showing antecedent basis is recommended.

Appropriate correction is required.

Claims 55-56 & 58 are rejected under 35 U.S.C. **112**, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In **claim 56**, line 11 "said surface" is confusing, as the article showing antecedent basis indicates that it must refer to the surface introduced for the coating layer in line 5, but is claimed to be "of said condensing member", which surface was not previously claimed & has no proper antecedent basis.

It is noted that in new **claim 55**, applicants have claimed "moving direction is reversed to a gravitational direction", however in a given location on earth there is generally only one direction of gravity (i.e. directly down or perpendicular to the radial from the earth's core at any given point on the surface of Earth), but as earth is essentially a sphere, "a gravitational direction" (emphasis added) may refer to any direction of gravity on earth or even in the universe (i.e. essentially includes any direction), since the article "a" employed indicates applicant is considering multiple possible gravitational directions. As this was probably not applicants' intent, the meaning is considered ambiguous or confusing. Note that if the claimed gravitational direction is interpreted as being the gravitational direction at the site of application of the claimed device being employed, then the claimed moving direction reversed to this gravitational direction must be vertically up (e.g. 90° or perpendicular from the Earth's surface). It is noted that while page 16 mentions that the effects of gravity cause the solvent to flow downwards in groups 43b into gutter 43c, teaching that "the condenser 43 has a form or structure not so as to generate

Art Unit: 1792

the unnecessary forces against the gravity for the condensed solvent to flow down", which while poor English phrasing, may reasonably be considered to indicate that the recovered solvent flows with gravity, not against it (as reasonably expected if no other force is applied). Also given the angle discussions on page 12 & figure 1, indicating $\theta 1$ & $\theta 2$ may = 90° , which given the disclosure may reasonably be considered with respect to the condensers in figure 2, having condenser 43 & maybe 44, as illustrated in figure 2A, facing vertically moving coating & webbing can be considered within the scope of the disclosure.

3. **Claims 48 & 52-58** are rejected under 35 U.S.C. **112, first paragraph**, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 48 & 52-58 are rejected under 35 U.S.C. **112, first paragraph**, because the specification, while being enabling for a gutter directly attached to a vapor condenser's structures for liquid collection or runoff areas as illustrated in figures 3 or 6, where the vapor condenser & gutter are employed in an enclosed drying mechanism, does **not reasonably provide enablement for the class of all mechanisms (e.g. all members or all structures) used to recover condensed vapor from the class of all possible types of condensing mechanisms, employed in almost unlimited situations**. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

Applicants point out support on pages 6-7 of their 12/1/2009 response, which indeed have configurations where a piece of the gutter (i.e. a species of the broader claimed recovery member) is parallel to the moving direction & upstream from the condensing member, these dismembered pieces of the disclosure recited in the claims do not form any coherent structure that necessitates the disclosed gutter structure, hence failed to correct previously set forth problems with respect to support for the

presently claimed scope in the original disclosure. Pointing out specifically claimed pieces of disclosed gutter structure, does not provide support for claiming structures that need not be gutters. For instance, a wall completely lacking in a gutter configuration may act as a recovery mechanism by having liquid drain down it & be in the claimed configuration, however is neither supported by applicants' original specification, nor would such a configuration necessarily be effective when used in combination with applicant's coating apparatus that's required to be inside a containment structure (e.g. ref #16 or 42), however applicants have claimed such a configuration which clearly lacks support & enablement in their original specification.

As **previously noted**, the specification only discusses the use of "gutters", no generic "recovery mechanism" (≡ recovery member), where the gutters as illustrated in figure 3, ref. #43c or figure 6, ref. #73b, are connected directly to the condenser mechanism (43 or 73, respectively), with nothing in between them that could be called an insulator & with the disclosure in the paragraph bridging pages 18-19 not providing any statement of where the thermo-insulating member is placed for preventing condensation on the gutter, but also not providing any indication that the location would or could be "between". While applicants' 12/1/2009 amendments have removed the problems with the unsupported insulation limitations, no language in the present claims necessitates the disclosed & illustrated better structure, although dependent claims such as new claim 55 contain pieces of taught structures, which while they may encompass possible gutter structures, need never be employed in any gutter structures, thus continue to **lack support in the scope claimed**, i.e. remains broader than the scope of the original disclosure, lacking means or disclosure other than the particular structures set forth in the specification.

Also as **previously noted**, review of the present application & computer search of the application's PGPub found no general disclosure of a solvent recovery mechanism, and only found disclosure of condensers plus gutters in the paragraph cited by applicants on pages 16 & 18-19 ((e.g. [0048] & [0054] in PGPub), plus in the paragraph bridging pages 22-23 ([0066]), with no disclosure or

Art Unit: 1792

hint of using any other type of structure, thus the new claims as written are broadier in scope than the original disclosure, thus constitute **New Matter**. In both examples, the condenser/gutter constructions are disclosed in the context & setting of an enclosed space with the dryer causing evaporation from a coated continuous substrate. It is noted that the original claims 9-13 that most closely related to the newly presented claims, were directed to a single device for condensing & recovering organic solvent in a particular position within the drying device then claimed, with no disclosure of a separate mechanism for recovering solvent.

With respect to new **claim 56**, the requirement that some unspecified surface of the condensing member, which member has no particular shape, & the coating surface have a distance between them in the range of 5-10 mm, is said to be supported by applicants in the specification on page 16, line 26-page 17, line 18, however the examiner notes that this disclosure refers to figure 4, where the distance L4 as illustrated in figure 4 is in the range of 5-10 mm, such that this taught distance is only applicable to a particular portion 43a of the surface of condensing member 43, hence new claim 56 lacks the context of the disclosed distance range, thus must be considered to encompass **New Matter**, since even if the condensing member being claimed had the shape as illustrated in figure 4 for condenser 43, the claimed range can apply to surface 43a as in the illustration, but may also apply to surface 43b, which is **New Matter**, or to the planar back surface of the condenser that is parallel to either 43a or 43b, which is also **New Matter**, or may be applicable to condensers whose structure is entirely different than that indicated in figure 4, which is also **New Matter**, etc.

In new **claims 57 & 58**, applicants have claimed the presence of any sort of protrusions & any sorts of grooves, at some unspecified location on some surface of the condensing member, where neither the protrusions nor the grooves are required to have any specific functions. Applicant's cite figure 4 as supporting these claims, however figure 4 has a very specific shape, thus cannot be considered to support these new claims in the scope presented. Furthermore, protrusion 43a & grooves 43b as illustrated in

Art Unit: 1792

figures 3 or four & discussed on page 16 have a very specifically disclosed relationship both to each other & with respect to the condenser's structure, thus while applicants' new claims encompass the illustrated & disclosed protrusions and grooves, the claims are considerably broader than the scope of the original disclosure, thus encompass **New Matter**.

4. The following is a quotation of the appropriate paragraphs of **35 U.S.C. 102** that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of **35 U.S.C. 103(a)** which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 48 & 54** are rejected under 35 U.S.C. **102(b)** as being clearly anticipated by **Reznik (4,694,586)**.

Claims 52 & 55-58 are rejected under 35 U.S.C. **103(a)** as being unpatentable over **Reznik (4,694,586)**.

As illustrated in figures 1-2 & 6 of **Reznik**, the drying process for coating on continuous substrates employs a vertically moving substrate web, which has been coated, & passes through a drying structure parallel to the substrate on which evaporated solvents condense & drain with gravity into a collection tray integrated in the overall structure of the collection device, such that the condensate is collected, with the collection tray being downstream from the moving direction of the web. It is further noted that while the illustrated collection tray is 22 & 46 in figures 1 and 2 do not show any surfaces parallel to the moving direction, solvent recovery tray 82 in figure 6 does include surfaces in its structure which are parallel as claimed, however the process in figure 6 is directed to continuous coating of discrete cylindrical substrates, but this particularly illustrated shape inclusive of parallel surfaces would reasonably have been expected to have been useful, regardless of whether the continuous processing passing through the vertical apparatus was applied to a continuous web or a continuous succession of discrete substrates, as the particular shape with respect to this collection drainage mechanism would reasonably have been expected to be independent of this aspect of substrate shape. It is additionally noted that whether or not any of the surfaces of the taught collection trays are parallel to the substrate's movement direction would appear to be totally irrelevant to the function of the collection tray, with relevant features being whether or not it is in a position & size adequate to collect the condensate (i.e. adequately integrated with the condenser structure in order to perform its function), which for some surface in a collection structure with no other necessary configuration, merely being parallel need have no particular effect on the solvent collection ability, thus no patentable significance to the process. Also see Reznik's discussion in the abstract; col. 1, lines 53-62; col. 2, lines 5-25, 40-51 & 58-66; col. 3, lines 1-8 & 52-65; col. 4, lines 23-53; col. 5, lines 18-25 & 30-53; col. 6, lines 19-27 & 46-66.

While Reznik's taught condensation & collection structure does not specifically illustrate nor discuss these two parts of the solvent recovery mechanism being physically attached or connected, neither do the schematic illustrations show the means by which the collection tray is held in place, hence it

Art Unit: 1792

would've been obvious too one of ordinary skill in the art to employ means of holding the illustrated & taught collection tray into which the condensate from the condenser drains in place by means such as physically connecting it to the conduct and seen structure directly above it, as this would have been a logical & practical means of holding the tray in a desired position.

Reznik's teachings do not provide any specific dimensions for the structure of the apparatus they employ, however they do mention that the overall structure in which they are drying their applied coating on the substrate, condensing & recovering solvents therefrom has only a small volume surrounding substrate, which is taught to provide very significant savings in energy, not only in terms of recovering solvents, but also in terms of energy used heat the substrate (col. 4, lines 42-53), with figure 3 & col. 4, lines 3-12 discussing very close tolerances with the substrate passing through without permitting electrical contact or are keen to take place, hence while coated substrate surface-condenser surface distance would reasonably have had some dependence on the overall dimensions of the apparatus & substrate being treated, this teaching indicates that one of ordinary skill in the art would reasonably have been expected to minimize this distance so as to effect small volumes as taught, which reasonably would have been expected to encompass distances within the claimed range of 5-10 mm, as induction heating metal substrates & the condenser structure would reasonably have been expected to be & require minimization of the separation in order to be effective as taught.

Reznik teaches an additional feature that may be employed with their invention, where they're condenser structure may have widened regions 76 as illustrated in figure 6, which widened regions (ref #76) are instrumental in providing a sharp borderline between air & solvent vapor (i.e. preventing turbulence) maintained within the enclosure at (col. 7, lines 11-18 & claim 11), where the examiner notes that the structure provided in the condenser due to these widened regions may be considered to read on protrusions and grooves in the condenser surface. While this structure is illustrated with respect to figure 6 that is directed to the discrete substrates, as opposed to the web substrates of figure 1, the teacher is

disclosed as relevant to the invention as a whole, hence it would've been obvious to one of ordinary skill the art to employ it with any of the types of substrates discussed by Reznik et al., i.e. both continuous web substrates or successive discrete substrates, as the techniques is not dependent on the type of substrate.

6. **Claims 48-49 & 52-55** are rejected under 35 U.S.C. **102(b)** as being clearly anticipated by **Surprenant** (3,539,205).

While applicants have rearranged independent claim 49, they have not removed the teachings of **Surprenant** from reading on the claims, since as illustrated in the various drying/condensing/collection devices there is substrate surface that has been coated & being dried which faces the condensation devices & the collection devices. All of the condensation & collection devices may be considered as integrated device structures, as all the parts are constructed, or ranged & secured to work together for condensation & collection of solvent that has been evaporated with in the system, including from the substrate surface. It is also noted that while in not all of the various configurations of the apparatus are moving direction is the reverse of gravity & coating surfaces parallel to that direction, the various taught possible configurations include sections that read on this claim configuration (e.g. figure 1 illustrates a section of substrate moving vertically up & facing cold wall condensing & collection means illustrated with ref.#s 13, 14 & 15), and in all cases the collection trays employ the force of gravity in their collection process. Applicants allege that their claims differ from **Surprenant** because "a surfaces of the condensing member and the recovery member face a surfaces of the coating layer", but this condition is true for every single illustrated figure in this reference, because all sides of the substrates in this reference may be considered to include coating layer thereon, since the entire substrate is impregnated, thus all surfaces may be considered coated; and there is always some surface of the substrate facing some surface of both the condenser structure & the collection structure. Applicant had made their claims so broad & generic as to read on such an almost infinite variety of structures, thus their arguments for differentiation completely lack any basis in their claims. Applicants reproduce illustrations a particular structures from their figures,

however in no case have any of their claims actually claimed the structures, thus arguments specific to the structures are completely irrelevant.

As previously discussed, **Surprenant** (abstract; figures; col. 1, lines 3-7, 22-31, 46-71+; col. 2, lines 20-col. 3, esp. col. 2, line 61-col. 3, lines 9 & 55-75; col. 4, lines 5-55, esp. 46-55) teaches a method & means for treating continuous fabric, sheet, web or film substrates with a finishing agent or an impregnation agent, which is dissolved or suspended in a volatile organic solvent, where this solution may be applied to the substrate immediately before entering a drying chamber or within the drying chamber. Among taught drying means that may be employed are heated guide rollers as in figures 1 or 2, or IR heat lamps as in figure 3, which are also taught to possibly cause curing. **Surprenant** (3,539,205) teaches several alternative mechanisms for solvent condensation & recovery, however the one of figure 2 is particularly relevant to the claims as presented, as cooling coil 34 reads on the taught condensing mechanism, where as illustrated the condensed solvents flow by dripping into "sump 35" that is heated by heating coils 36, where it is noted that as illustrated the wall of housing 30 connects the cooling coil in the sump trough, where the condensed liquid collects & is heated. In col. 4, lines 46-55, **Surprenant** particularly notes that the condensate drops from the condensing coils into the heated sump from which it is withdrawn & transferred to storage for reuse in making fresh treating solution which is applied to the treating zone. Note that the atmosphere between the coil & the collection trough may be considered to provide a degree of thermal insulation between these features. It is also noted that as in this particular illustration, the immersion coating process means that all sides of the substrate are coated, noting col. 3, lines 55-60 also explicitly indicate both sides may be coated, so the illustrated cooling coil may be considered to be facing or "confronting" a coated side of the substrate, which reads on possible meanings of the claim language.

7. The reference of **Figiel** (4,753,735) was previously discussed with respect to the desirability of using insulation, which limitation has now been canceled in the claims.

It was particularly noted that **Figiel** (abstract; figure 1; col. 3, lines 44-68+; & col. 4, line 48-col. 5, line 16, esp. lines 5-7 for insulation teachings), was teaching a relevant technique for solvent condensation & recovery using elevated temperatures in vapor zones to immerse & dry articles, then condensing mechanisms that include cooling jackets combined with condensing troughs, where as indicated for vessel 29, use of insulation 67 is taught for use to maintain efficiency & conserve energy, where as illustrated the insulation surrounds the condensing structure & vapor space, with condensation trough 32 extending therefrom (32') in order to deliver condensed solvents to a subsequent collection point (i.e. a gutter extends from the overall condensation mechanism). It would've been obvious to one of ordinary skill & competence in the art, when considering the teachings of **Surprenant**, with respect to solvent condensation & recovery to employ the suggestion of Figiel with respect to use of insulation for maintaining efficiency & energy conservation in the processes of Surprenant, as the primary reference specifically teach temperature differentials between their condensation mechanisms & other locations in their process chamber, inclusive of solvent collection sites, hence in the interest of requiring less energy to maintain the taught temperature differentials (thus lower costs for energy), it would've been obvious to one of ordinary skill in the art to construct the claimed apparatus of the primary reference employing materials that would provide such thermal insulation between the cooled wall & cooling coil structures of the condensation mechanisms, and the heated structures employed for the solvent reservoirs/collectors & vaporization/drying constructions, such as sections of the housing wall (ref #10 or 30, etc.) between condensation mechanism & solvent collection site, or on the underside of collection trough's 15 or 55, in order to minimize the cooling or the heating requirements of one section, so as to use less energy input to maintain the desired temperature in the other section of the apparatus, as such a concept was shown to be old and well-known by the teachings of Figiel & would have been reasonably expected of a competent engineer in order to minimize costs (& pollution).

8. Applicant's arguments filed 12/1/2009 & discussed above have been fully considered but they are not persuasive.

Note, if applicants amend their claims so as to provide context & use of structures, such as for the generically claimed grooves & protrusions, the examiner will then consider the further obviousness of such old and well-known structures, such as those taught/illustrated by Grossman (4,487,616)'s vapor condensation & collection systems for solvent vapor that employ structures such as corrugated condensing plates 96, where condensed solvents are carried downward to the drain pipe.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. **Any inquiry** concerning this communication or earlier communications from the examiner should be directed to **Marianne L. Padgett** whose telephone number is (571) 272-1425. The examiner can normally be reached on M-F from about 9:00 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks, can be reached at (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Marianne L. Padgett/
Primary Examiner, Art Unit 1792

MLP/dictation software

2/13 & 15/2010